

111TH CONGRESS
2D SESSION

H. R. 1061

AN ACT

To transfer certain land to the United States to be held
in trust for the Hoh Indian Tribe, to place land into
trust for the Hoh Indian Tribe, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Hoh Indian Tribe Safe
3 Homelands Act”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **FEDERAL LAND.**—The term “Federal land”
7 means the approximately 37-acre parcel of land—

8 (A) administered by the National Park
9 Service;

10 (B) located in sec. 20, T. 26N, R. 13W,
11 W.M., south of the Hoh River; and

12 (C) depicted on the Map.

13 (2) **MAP.**—The term “Map” means the map en-
14 titled “Hoh Indian Tribe Safe Homelands Act Land
15 Acquisition Map” and dated May 14, 2009.

16 (3) **NON-FEDERAL LAND.**—The term “non-Fed-
17 eral land” means the approximately 434 acres of
18 land—

19 (A) owned by the Tribe; and

20 (B) depicted on the Map.

21 (4) **SECRETARY.**—The term “Secretary” means
22 the Secretary of the Interior.

23 (5) **TRIBE.**—The term “Tribe” means the Hoh
24 Indian Tribe.

25 **SEC. 3. LAND TAKEN INTO TRUST FOR BENEFIT OF TRIBE.**

26 (a) **FEDERAL LAND.**—

1 (1) IN GENERAL.—Effective beginning on the
2 date of enactment of this Act—

3 (A) all right, title, and interest of the
4 United States in and to the Federal land are
5 considered to be held in trust by the United
6 States for the benefit of the Tribe, without any
7 action required to be taken by the Secretary;
8 and

9 (B) the Federal land shall be excluded
10 from the boundaries of Olympic National Park.

11 (2) SURVEY BY TRIBE.—

12 (A) IN GENERAL.—The Tribe shall—

13 (i) conduct a survey of the boundaries
14 of the Federal land; and

15 (ii) submit the survey to the Director
16 of the National Park Service for review
17 and concurrence.

18 (B) ACTION BY DIRECTOR.—Not later
19 than 90 days after the date on which the survey
20 is submitted under subparagraph (A)(ii), the
21 Director of the National Park Service shall—

22 (i) complete the review of the survey;
23 and

24 (ii) provide to the Tribe a notice of
25 concurrence with the survey.

1 (C) AVAILABILITY OF SURVEY.—Not later
2 than 120 days after the date on which the no-
3 tice of concurrence is provided to the Tribe
4 under subparagraph (B)(ii), the Secretary
5 shall—

6 (i) submit a copy of the survey to the
7 appropriate committees of Congress; and

8 (ii) make the survey available for pub-
9 lic inspection at the appropriate office of
10 the Secretary.

11 (b) NON-FEDERAL LAND.—

12 (1) IN GENERAL.—On fulfillment of each condi-
13 tion described in paragraph (2), and upon compli-
14 ance with the National Environmental Policy Act of
15 1969, the Secretary shall take the non-Federal land
16 into trust for the benefit of the Tribe.

17 (2) CONDITIONS.—The conditions referred to in
18 paragraph (1) are that the Tribe shall—

19 (A) convey to the Secretary all right, title,
20 and interest in and to the non-Federal land;
21 and

22 (B) submit to the Secretary a request to
23 take the non-Federal land into trust for the
24 Tribe.

1 (c) CONGRESSIONAL INTENT.—It is the intent of
2 Congress that—

3 (1) the condition of the Federal land as in ex-
4 istence on the date of enactment of this Act should
5 be preserved and protected;

6 (2) the natural environment existing on the
7 Federal land on the date of enactment of this Act
8 should not be altered, except as otherwise provided
9 by this Act; and

10 (3) the Tribe and the National Park Service
11 shall work cooperatively regarding issues of mutual
12 concern relating to this Act.

13 (d) AVAILABILITY OF MAP.—Not later than 120 days
14 after the survey required by subsection (a)(2)(A) has been
15 reviewed and concurred in by the National Park Service,
16 the Secretary shall make the Map available to the appro-
17 priate congressional committees. The Map also shall be
18 available for public inspection at the appropriate offices
19 of the Secretary.

20 **SEC. 4. USE OF FEDERAL LAND BY TRIBE; COOPERATIVE**
21 **EFFORTS.**

22 (a) USE OF FEDERAL LAND BY TRIBE.—

23 (1) RESTRICTIONS ON USE.—The use of the
24 Federal land by the Tribe shall be subject to the fol-
25 lowing conditions:

1 (A) BUILDINGS AND STRUCTURES.—No
2 commercial, residential, industrial, or other
3 building or structure shall be constructed on
4 the Federal land.

5 (B) NATURAL CONDITION AND ENVIRON-
6 MENT.—The Tribe—

7 (i) shall preserve and protect the con-
8 dition of the Federal land as in existence
9 on the date of enactment of this Act; and

10 (ii) shall not carry out any activity
11 that would adversely affect the natural en-
12 vironment of the Federal land, except as
13 otherwise provided by this Act.

14 (C) LOGGING AND HUNTING.—To main-
15 tain use of the Federal land as a natural wild-
16 life corridor and provide for protection of exist-
17 ing resources of the Federal land, no logging or
18 hunting shall be allowed on the Federal land.

19 (D) ROADS.—

20 (i) ROUTINE MAINTENANCE.—Routine
21 maintenance may be conducted on the 2-
22 lane county road that crosses the Federal
23 land as in existence on the date of enact-
24 ment of this Act.

1 (ii) EXPANSION.—The county road
2 described in clause (i) may not be widened
3 or otherwise expanded.

4 (iii) RECONSTRUCTION.—If the coun-
5 ty road described in clause (i) is com-
6 promised due to a flood or other natural or
7 unexpected occurrence, the county road
8 may be reconstructed to ensure access to
9 relevant areas.

10 (iv) OTHER ACCESS ROUTES.—Except
11 as provided in clause (iii) and subsection
12 (b)(2), no other road or access route shall
13 be permitted on the Federal land.

14 (2) USES APPROVED BY TREATY.—

15 (A) IN GENERAL.—The Tribe may author-
16 ize any member of the Tribe to use the Federal
17 land for—

18 (i) ceremonial purposes; or

19 (ii) any other activity approved by a
20 treaty between the United States and the
21 Tribe.

22 (B) NO EFFECT ON TREATY RIGHTS OF
23 TRIBE.—Nothing in this Act affects any treaty
24 right of the Tribe in existence on the date of
25 enactment of this Act.

1 (b) COOPERATIVE EFFORTS.—The Secretary and the
2 Tribe—

3 (1) shall enter into cooperative agreements—

4 (A) for joint provision of emergency fire
5 aid, on completion of the proposed emergency
6 fire response building of the Tribe; and

7 (B) to provide opportunities for the public
8 to learn more regarding the culture and tradi-
9 tions of the Tribe;

10 (2) may develop and establish on land taken
11 into trust for the benefit of the Tribe pursuant to
12 this Act a multipurpose, nonmotorized trail from
13 Highway 101 to the Pacific Ocean; and

14 (3) shall work cooperatively on any other issues
15 of mutual concern relating to land taken into trust
16 for the benefit of the Tribe pursuant to this Act.

17 **SEC. 5. TREATMENT OF TRUST LAND AS PART OF RESERVA-**
18 **TION.**

19 All land taken into trust for the benefit of the Tribe
20 pursuant to this Act shall be a part of the reservation of
21 the Tribe.

22 **SEC. 6. GAMING PROHIBITION.**

23 The Tribe may not conduct on any land taken into
24 trust pursuant to this Act any gaming activities—

1 (1) as a matter of claimed inherent authority;
2 or
3 (2) under any Federal law (including the Indian
4 Gaming Regulatory Act (25 U.S.C. 2701 et seq.)
5 (including any regulations promulgated by the Sec-
6 retary or the National Indian Gaming Commission
7 pursuant to that Act)).

Passed the House of Representatives June 8, 2010.

Attest:

Clerk.

11TH CONGRESS
2D Session

H. R. 1061

AN ACT

To transfer certain land to the United States to be held in trust for the Hoh Indian Tribe, to place land into trust for the Hoh Indian Tribe, and for other purposes.